

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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ITV DIRECT, INC., )  
Plaintiff, )  
v. )  
HEALTHY SOLUTIONS, LLC, ET. AL., )  
Defendants. )  
\_\_\_\_\_  
CAPPSEALS, INC., )  
Plaintiff-in- ) C. A. No. 04-CV10421-JLT  
Intervention ) (DEIN, J)  
v. )  
HEALTHY SOLUTIONS, LLC., D/B/A )  
DIRECT BUSINESS CONCEPTS; ITV )  
DIRECT, INC. AND DIRECT )  
FULFILLMENT, LLC. )  
Intervenor- )  
Defendants. )  
\_\_\_\_\_

**CAPPSEALS, INC.'S REPLY TO THE ITV PARTIES'  
OPPOSITION TO CAPPSEALS' MOTION FOR SANCTIONS  
UNDER 28 U.S.C. § 1927 AND THE INHERENT POWERS OF THE COURT**

**EXHIBIT 5, PART 5**



55 EAST MONROE STREET - SUITE 4200  
CHICAGO, ILLINOIS 60603-5803  
AREA CODE (312) 346-8000  
FEDERAL ID 36-2152202

ATLANTA  
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HOUSTON  
LOS ANGELES  
NEW YORK  
SACRAMENTO  
SAN FRANCISCO  
WASHINGTON, D.C.  
BRUSSELS

September 2005

Invoice No. 1162005  
1843 35965 / 35965-000006  
C3

Direct Marketing Concepts, Inc.  
55 Cherry Hill Drive  
Beverly, MA 01915  
Attention:

For legal services rendered through the month of August 2005

**Supreme Greens Litigation**

Date	Attorney/Paralegal	Hours	Description
08/01/05	C. Robertson	0.40	Call with M. Sciuocco regarding ; review email from P. Brooks regarding ! call with W. Callahan regarding
08/01/05	P. Brooks	0.10	Email regarding
08/01/05	S. Gelwick	0.90	Review orders entered by Judge Tauro; review relief requested in Cappseals' motion for summary judgment and submissions filed by Healthy Solutions; review letter of C. Robertson.
08/03/05	C. Robertson	0.30	Call with M. Sciucco regarding review motion; conference with P. Brooks regarding
08/03/05	S. Gelwick	0.50	Review motion filed by Cappseals and correspondence with the court clerk.
08/04/05	C. Robertson	1.10	Review filing by Cappseals seeking post-judgment relief; call with M. Sciucco regarding ; call with D. Barrett and R. Maihos regarding
08/04/05	S. Gelwick	1.70	Review motions submitted by Cappseals regarding enforcement of judgement; review regarding case law on review emails conduct research of First Circuit

BILLS ARE DUE AND PAYABLE UPON RECEIPT  
THIS STATEMENT DOES NOT INCLUDE EXPENSES NOT YET RECEIVED BY THIS OFFICE  
WHICH MIGHT HAVE BEEN INCURRED DURING THE PERIOD COVERED BY THIS BILLING

**SEYFARTH**  
 ATTORNEYS **SHAW**<sub>LLP</sub>

Direct Marketing Concepts, Inc.

Invoice No. 1162005  
 1843 / 35965  
 Page 2

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
08/05/05	S. Gelwick	0.20	Review electronic notices from Judge Tauro.
08/08/05	C. Robertson	2.80	Meet with S. Gelwick regarding research and review cases regarding conference with M. Callahan regarding call with M. Sciucco regarding ; review termination order from J. Tauro; draft letter to court regarding termination and pending claims.
08/08/05	H. Batista	3.30	Conference with C. Robertson and S. Gelwick regarding ; research regarding :
08/08/05	P. Brooks	0.40	Email christianson; review court order and conf regarding same
08/08/05	S. Gelwick	2.20	Review of motions filed by Cappseals; research First Circuit case law regarding ;conference with C. Robertson and H. Batista regarding review and revise draft letter to court.
08/09/05	C. Robertson	2.40	Call with P. Brooks, M. Sciucco and R. Maihos regarding ; draft settlement documents for Healthy Solutions settlement; review court order reinstating case; research and review cases regarding conference with H. Battista regarding
08/09/05	H. Batista	1.50	Research regarding
08/09/05	P. Brooks	1.50	Review and revise settlement agreements with Healthy Solutions and email to and from Christianson regarding same
08/09/05	P. Brooks	1.00	Telephone conference with all; draft letter to Kelley.
08/09/05	S. Gelwick	1.20	Conduct legal research regarding
08/09/05	S. Gelwick	0.30	Review electronic orders of the court; conference with C. Robertson regarding
08/10/05	C. Robertson	0.60	Call with M. Sciucco regarding ; review letter drafted by P. Brooks regarding settlement and provide comments; review motions regarding judgment.
08/10/05	H. Batista	4.20	Research regarding
08/10/05	P. Brooks	0.10	Revise Kelley letter
08/10/05	S. Gelwick	0.30	Conference with H. Batista regarding

**SEYFARTH**  
ATTORNEYS  
**SHAW LLP**

Direct Marketing Concepts, Inc.

Invoice No. 1162005  
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<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
08/11/05	C. Robertson	0.80	Review settlement documents with Healthy Solutions; call with M. Sciucco; call with P. Brooks; review orders from J. Tauro; conference with H. Battista regarding ; review letter.
08/11/05	H. Batista	6.30	Researching post-judgment injunctions; drafting opposition to motion to amend complaint-in-intervention.
08/11/05	P. Brooks	0.20	Review orders; telephone conference with Kelley and revise letter to Kelley
08/11/05	S. Gelwick	0.70	Review electronic orders of Judge Tauro; conference regarding oppositions to Cappseals' motions.
08/12/05	O. Golinder	0.20	Retrieve recent filings with the court.
08/16/05	C. Robertson	1.10	Review renewed motion for injunction filed by Cappseals; call with M. Sciucco regarding ; review docket; review letter from D. Kelly regarding settlement offer.
08/16/05	S. Gelwick	1.20	Review correspondence of D. Kelly and filings with the court; review Cappseals' motion and federal case law regarding post judgment attachments.
08/17/05	C. Robertson	0.30	Review final execution of judgment from Court; call with H. Sheldon regarding conference with S. Gelwick regarding
08/17/05	O. Golinder	5.00	Attention to case management.
08/17/05	S. Gelwick	1.20	Research ; review Cappseals' final execution on judgment; conference with C. Robertson.
08/18/05	H. Batista	0.50	Drafting notice of appeal.
08/18/05	O. Golinder	4.00	Continue to update file.
08/18/05	S. Gelwick	1.30	Conduct research on
08/19/05	S. Gelwick	0.20	Review correspondence from Cappseals regarding motion for post judgment relief; review local rules regarding same.
08/20/05	H. Batista	1.00	Research regarding
08/21/05	H. Batista	1.30	Research regarding
08/22/05	H. Batista	5.10	Drafting opposition to motion for post-judgment relief; conferences with S. Gelwick regarding
08/22/05	P. Brooks	0.40	Telephone conference with court clerk and draft motion to continue

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 ATTORNEYS **SHAW**<sub>LLP</sub>

Direct Marketing Concepts, Inc.

Invoice No. 1162005  
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<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
08/22/05	S. Gelwick	1.30	Review Cappseals' motion for post judgment injunction; conference regarding review Tauro's orders to prepare notice of appeal:
08/23/05	H. Batista	4.80	Research regarding ; drafting opposition to motion for post-judgment relief.
08/23/05	R. Carpenter	0.50	Consult with H. Sheldon regarding
08/23/05	S. Gelwick	1.10	Research First Circuit federal case law regarding:
08/24/05	H. Batista	5.10	Research regarding ; conference with P. Brooks regarding ; drafting opposition to Cappseals' Motion for Post-Judgment Relief.
08/24/05	O. Golinder	3.40	Attention to case management.
08/24/05	S. Gelwick	0.40	Review of affidavit of Scott Silverman and exhibits in support of Cappseals' motion.
08/25/05	H. Batista	2.20	Drafting opposition to Cappseals' Motion for Post-Judgment Relief.
08/25/05	O. Golinder	4.40	Continue to update file.
08/25/05	S. Gelwick	1.30	Conference with H. Batista regarding review case law regarding
08/26/05	S. Gelwick	2.20	Review draft opposition to Cappseals motion for post-judgment injunction; research First Circuit case law regarding
08/29/05	H. Batista	0.30	Conference with S. Gelwick regarding ; edits to same; conference regarding opposition to motion for post-judgment relief.
08/29/05	O. Golinder	0.30	Review and file notice of appeal; request filing fee check.
08/29/05	S. Gelwick	3.50	Review post judgment document requests and subpoenas; review and revise opposition to Cappseals' motion for post judgment relief; preparation and filing of notice of appeal.
08/30/05	C. Robertson	0.40	Call with Leo and Wayne regarding ; review
08/30/05	O. Golinder	0.50	Review and file reply to motion for post-judgment relief; attention to file.
08/30/05	S. Gelwick	2.20	Conduct legal research ; revise and file opposition to Cappseals' motion for post judgment relief; conference with P. Brooks regarding



Direct Marketing Concepts, Inc.

Invoice No. 1162005  
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<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
08/31/05	S. Gelwick	2.30	Review of subpoenas served by Cappseals; research federal case law regarding

<b>Total Hours</b>	<b>94.00</b>
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<b>Total Fees</b>	<b>24,539.50</b>
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**Disbursements**

Online Research	26.43
Copying	-94.80
Online Research - PACER SERVICE CENTER	21.60

<b>Total Disbursements</b>	<b><u>\$- 46.77</u></b>
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<b>Total This Statement</b>	<b><u>\$24,492.73</u></b>
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**SEYFARTH**  
 ATTORNEYS  
**SHAW** LLP

55 EAST MONROE STREET - SUITE 4200  
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 BRUSSELS

September 2005

Invoice No. 1162005  
 1843 35965 / 35965-000006

Direct Marketing Concepts, Inc.  
 55 Cherry Hill Drive  
 Beverly, MA 01915  
 Attention:

#### INVOICE SUMMARY

Total Fees	\$24,539.50
Total Disbursements	<u>- 46.77</u>
Total Fees and Disbursements This Statement	<u>\$24,492.73</u>

**PLEASE RETURN THIS COPY WITH YOUR PAYMENT**

PAYMENT MAY BE MADE BY WIRE TO: BANK ONE  
 ACCOUNT NUMBER: **4036166**  
 ABA NUMBER: **071000013**



55 EAST MONROE STREET - SUITE 4200  
CHICAGO, ILLINOIS 60603-5803  
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BRUSSELS

October 2005

Invoice No. 1171747  
1843 35965 / 35965-000006  
C3

Direct Marketing Concepts, Inc.  
55 Cherry Hill Drive  
Beverly, MA 01915  
Attention:

For legal services rendered through the month of September 2005

**Supreme Greens Litigation**

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
09/01/05	C. Robertson	0.30	Call with B. Christensen regarding settlement and dismissals; call with M. Sciucco regarding
09/01/05	S. Gelwick	1.00	Research for response to subpoenas by Cappseals; conference with H. Sheldon.
09/02/05	C. Robertson	0.80	Call with B. Christensen regarding settlement and releases; review and revise settlement documents and forward to B. Christensen; call with M. Sciucco regarding
09/06/05	C. Robertson	0.70	Conference with H. Sheldon regarding ; review supplemental filing filed by Cappseals regarding corporate shield and related issues.
09/06/05	H. Sheldon	0.30	Drafting rule 45 objections.
09/07/05	C. Robertson	0.40	Calls with counsel regarding review of settlement agreement and comments; review motions to dismiss regarding settlement.
09/07/05	H. Sheldon	3.70	Drafting objections to subpoena duces tecum

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WHICH MIGHT HAVE BEEN INCURRED DURING THE PERIOD COVERED BY THIS BILLING

**SEYFARTH**  
 ATTORNEYS **SHAW**<sub>LLP</sub>

Direct Marketing Concepts, Inc.

Invoice No. 1171747  
 1843 / 35965  
 Page 2

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
09/08/05	C. Robertson	1.10	Call with W. Callahan and Leo regarding review objections served on Cappseals; call with B. Christensen regarding settlement; review FTC filing regarding settlement with Guerrero; call with M. Sciucco regarding
09/08/05	H. Sheldon	0.20	Conference with S. Gelwick regarding
09/08/05	O. Golinder	3.30	Attention to case; prepare docketing statement; appearances; transcript order form.
09/08/05	S. Gelwick	2.20	Review and revise objections to Cappseals' subpoenas to W. Callahan and Leo; prepare Rule 45 objections for filing.
09/09/05	C. Robertson	0.30	Review revised stipulations forwarded by B. Christensen; email B. Christensen regarding revisions and settlement; conference with H. Sheldon regarding ; call with M. Sciucco regarding
09/09/05	O. Golinder	3.50	Revise docketing statement; prepare attachment to docketing statement; revise appearance forms; revise transcript order form; prepare certificate of service; check docket in First Circuit for error on the caption; draft filing letter to court
09/09/05	S. Gelwick	0.50	Telephone conference with S. Silverman; review document requests and rule 45 objections from Leo and Wayne.
09/11/05	S. Gelwick	0.40	Telephone conference with S. Silverman; review subpoenas to Wayne and Leo.
09/13/05	C. Robertson	0.40	Review emails from B. Christensen regarding settlement and stipulation of dismissal; review docket regarding settlement and dismissals.
09/14/05	C. Robertson	0.60	Review and finalize stipulations of dismissal and settlement; file documents with court regarding dismissals; review docket regarding status of Cappseals case and motion for relief.
09/15/05	S. Gelwick	0.30	Review Cappseals' objection to stipulation of dismissal; telephone call with S. Silverman regarding document production.
09/16/05	C. Robertson	1.20	Call with B. Christensen regarding response to Cappseals objection; review B. Christensen draft response; review docket and Cappseals filing; call with counsel for Leo Bonnorigo regarding response to subpoena and , forward objections to counsel; review stipulations and injunction entered by Tauro.

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 ATTORNEYS **SHAW**<sub>LLP</sub>

Direct Marketing Concepts, Inc.

Invoice No. 1171747  
 1843 / 35965  
 Page 3

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
09/16/05	S. Gelwick	1.60	Review and revise docketing statement and attachments, prepare package for filing in the First Circuit Court of Appeals; telephone call to S. Silverman; review of document requests served on ITV by Cappseals and documents requested in subpoenas; review Healthy Solutions' proposed joint reply to Cappseals' objection.
09/19/05	S. Gelwick	0.50	Telephone conference with S. Silverman regarding depositions and documents; review document requests to ITV and Direct Fulfillment; review notice from First Circuit Court of Appeals.
09/20/05	S. Gelwick	1.10	Review subpoenas and objections to document requests; participate in discovery conference with S. Silverman regarding Cappseals' depositions and requested documents; review correspondence from S. Silverman and electronic notice from the court.
09/21/05	O. Golinder	1.50	Draft responses to post-judgment requests for production of documents by Cappseals.
09/21/05	S. Gelwick	1.20	Telephone conferences with S. Silverman; review Cappseals' new complaint filed against DMC, ITV, Barrett and Maihos on Pacer; review document requests served by Cappseals; review settlement order from First Circuit Court of Appeals.
09/22/05	C. Robertson	0.80	Review notice from First Circuit regarding settlement conference; review Callahan subpoena regarding requested documents and response; call with Wayne regarding
09/22/05	O. Golinder	4.40	Review and revise responses to discovery requests.
09/22/05	S. Gelwick	2.60	Conference with O. Golinder regarding revise document responses; telephone conferences with S. Silverman; review complaint served by Cappseals and correspondence from S. Silverman; conference with C. Robertson regarding ; review correspondence from Leo's counsel.
09/23/05	C. Robertson	0.60	Call with W. Callahan regarding ; call with counsel for L. Bonnorigo regarding review complaint filed by Cappseals for piercing of corporate veil and relief in connection with judgment.
09/23/05	S. Gelwick	0.30	Review correspondence from S. Silverman; review notice from First Circuit regarding appeal.
09/25/05	S. Gelwick	0.30	Review email from S. Silverman regarding Wayne's document production; telephone conference regarding same.
09/26/05	C. Robertson	0.30	Call with B. Christensen regarding response to Cappseals opposition; review response.

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 ATTORNEYS  
**SHAW** LLP

Direct Marketing Concepts, Inc.

Invoice No. 1171747  
 1843 / 35965  
 Page 4

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
09/26/05	S. Gelwick	0.40	Review briefing schedule from First Circuit; review correspondence from S.Silverman and subpoenas; review document request to ITV.
09/27/05	C. Robertson	1.60	Draft, edit and revise settlement statement for First Circuit CAMP settlement conference; call with M. Sciucco regarding ; call with Wayne regarding
09/27/05	S. Gelwick	0.60	Preparation of correspondence and return of service for S. Silverman; telephone conference with S. Silverman regarding depositions; review facsimile from S. Silverman; telephone conference with Appeals court clerk regarding settlement conference.
09/28/05	C. Robertson	0.40	Finalize and send settlement memorandum to Judge Lynch regarding Cappseals settlement conference.
09/29/05	C. Robertson	0.30	Call with Leo's counsel regarding ; review letter sent by Leo's counsel regarding production and related issues.
09/30/05	C. Robertson	0.40	Call with S. Silverman regarding document production and settlement conference; call with court regarding production of court order; meet with W. Callahan regarding

**Total Hours** 40.10

**Total Fees** 10,468.50

**Disbursements**

Online Research	838.45
Filing Fees	255.00
Copying	383.80
Facsimile	55.00

**Total Disbursements** \$1,532.25

**Total This Statement** \$12,000.75



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BRUSSELS

October 2005

Invoice No. 1171747  
1843 35965 / 35965-000006

Direct Marketing Concepts, Inc.  
55 Cherry Hill Drive  
Beverly, MA 01915  
Attention:

#### INVOICE SUMMARY

Total Fees	\$10,468.50
Total Disbursements	<u>1,532.25</u>
Total Fees and Disbursements This Statement	<u>\$12,000.75</u>

#### ACCOUNTS RECEIVABLE SUMMARY

A review of our records reflects the following invoice(s) remain unpaid. Please remit payment promptly.

Date	Invoice	Invoice Amount	Payment Received	Balance
09/20/05	1162005	\$24,492.73	\$ .00	\$24,492.73

If you have any questions with regard to the amount as stated, please contact Kathy Hobbs in our Finance Department at 312-346-8000, ext. 3309.

**PLEASE RETURN THIS COPY WITH YOUR PAYMENT**

PAYMENT MAY BE MADE BY WIRE TO: BANK ONE  
ACCOUNT NUMBER: 4036166  
ABA NUMBER: 071000013



55 EAST MONROE STREET - SUITE 4200  
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November 2005

Invoice No. 1180464  
1843 35965 / 35965-000006  
C3

Direct Marketing Concepts, Inc.  
55 Cherry Hill Drive  
Beverly, MA 01915  
Attention:

For legal services rendered through the month of October 2005

**Supreme Greens Litigation**

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
10/03/05	C. Robertson	1.10	; review and mark documents for production; draft letter to S. Silverman regarding documents.
10/04/05	C. Robertson	0.40	Telephone conference with R. Maihos and W. Callahan regarding ; telephone conference with B. Christensen regarding status of motion to dismiss; telephone conference with M. Sciucco regarding
10/05/05	C. Robertson	1.60	Prepare for and attend settlement conference in First Circuit regarding Cappseals case; review pleadings and court opinion regarding appeal; review complaint for alter ego claims against DMC.
10/05/05	S. Gelwick	0.40	Conference with C. Robertson regarding telephone call to S. Silverman.
10/07/05	S. Gelwick	0.20	Review facsimile from S. Silverman regarding depositions.
10/10/05	S. Gelwick	0.70	Review notice from First Circuit; review docket sheet and pleadings in order to prepare record appendix for appeal.
10/12/05	S. Gelwick	0.30	Review notices from the court of appeals and briefing schedule; review First Circuit rules regarding preparation of record appendix.

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<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
10/13/05	S. Gelwick	0.50	Conference with P. Alley regarding review of summary judgment papers filed in lower court; conference regarding
10/16/05	S. Gelwick	0.30	Review Cappseals' new complaint.
10/17/05	C. Robertson	2.30	Draft answer to new complaint filed by Cappseals; review complaint and cases regarding conference with T. McGrath and P. Alley regarding ; review docket regarding filings; review UCC cases on :
10/17/05	O. Golinder	0.70	Review and revise answer; electronically file same.
10/17/05	P. Alley	0.50	Meeting with C. Robertson and T. McGrath regarding
10/17/05	S. Gelwick	0.70	Review draft answer to Cappseals' complaint; review subpoena.
10/17/05	T. McGrath	0.00	Meeting with P. Alley and C. Robertson regarding
10/18/05	C. Robertson	7.20	Draft, edit, and revise appellate brief regarding reach and apply issues, entry of judgment, and UCC analysis; conference with P. Alley regarding research and review cases regarding telephone conference with S. Silverman regarding Callahan deposition; review alter ego issues and enforcement of judgment; conference with S. Gelwick regarding
10/18/05	P. Alley	1.00	Conference with T. McGrath; conferences with C. Robertson on
10/18/05	S. Gelwick	0.90	Conference regarding : review C. Robertson's e-mail and draft of portion of appellate brief.
10/18/05	T. McGrath	1.00	Conference with P. Alley and C. Robertson on ; prepare initial outline of brief; review brief drafted by C. Robertson.
10/19/05	C. Robertson	1.30	Review and annotate documents in preparation for W. Callahan deposition; telephone conference with W. Callahan and M. Sciucco regarding review ITV general ledger; review new complaint regarding alter ego theory and fraudulent transfer allegations; review appellate arguments.
10/19/05	O. Golinder	0.30	Electronically file return of summons.
10/19/05	O. Golinder	0.20	Conference with T. McGrath regarding
10/19/05	S. Gelwick	1.30	Review docket sheet with T. McGrath to complete record appendix; research and review First Circuit case law regarding

**SEYFARTH**  
 ATTORNEYS **SHAW**<sub>LLP</sub>

Direct Marketing Concepts, Inc.

Invoice No. 1180464  
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 Page 3

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
10/19/05	T. McGrath	2.50	Review docket sheet with S. Gelwick to complete record appendix; review documents to contain in record appendix; prepare letter to S. Silverman regarding record appendix.
10/20/05	C. Robertson	9.20	Prepare for and defend W. Callahan deposition at Gadsby & Hannah ; review documents in preparation for W. Callahan deposition; conference with S. Silverman regarding possible settlement of claims; telephone conference with P. Alley regarding ; telephone with M. Sciucco regarding and meeting with S. Silverman.
10/21/05	C. Robertson	3.10	Research and review cases regarding ; review draft appellate brief regarding statement of legal issues and statement of facts; review pleading file regarding review Healthy Solutions counterclaims regarding conference with S. Gelwick regarding
10/21/05	O. Golinder	0.30	Attention to record appendix.
10/21/05	P. Alley	1.20	Conferences with T. McGrath and S. Gelwick regarding conference with C. Robertson; e-mail from C. Robertson and review attachment in summary judgment brief in Inn Foods.
10/21/05	S. Gelwick	1.80	Conference with T. McGrath to review opposition to summary judgment and case law cited in brief in order to draft appellate brief.
10/21/05	T. McGrath	1.00	Conference with S. Gelwick to :
10/24/05	C. Robertson	2.30	Review cases regarding ; conference with S. Gelwick and P. Alley regarding ; review record on appeal and letter to S. Silverman; review ; review order from court regarding post-judgment relief; draft and send settlement correspondence to S. Silverman; telephone conference with M. Sciucco regarding ; telephone conference with W. Callahan regarding
10/24/05	O. Golinder	2.30	Attention to record appendix; review rules regarding appendix and brief; conferences with T. McGrath and S. Gelwick regarding
10/24/05	S. Gelwick	5.50	Conference with C. Robertson and P. Alley regarding ; research and review case law for appellate brief; draft portions of argument; review court's order on Cappseals' motion for post judgment relief.

**SEYFARTH**  
 ATTORNEYS **SHAW** LLP

Direct Marketing Concepts, Inc.

Invoice No. 1180464  
 1843 / 35965  
 Page 4

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
10/25/05	C. Robertson	3.70	Research cases regarding ; review and research cases regarding review record on appeal for submission; telephone conference with S. Silverman regarding settlement offer and response; review e-mail regarding settlement proposal response; telephone conference with R. Maihos and W. Callahan regarding ; conference with P. Alley regarding ; conference with S. Gelwick regarding
10/25/05	O. Golinder	3.20	Review rules of First Circuit Court regarding brief requirements; obtain cases for brief; e-mail same to S. Gelwick; attention to record appendix.
10/25/05	P. Alley	6.50	Conferences with C. Robertson; e-mail and conferences with T. McGrath regarding ; review pleadings; review cases on procedural arguments; review
10/25/05	S. Gelwick	5.80	Conduct additional research regarding issues for appeal; review record appendix; review case law and e-mails from C. Robertson; continue drafting portions of appellate brief; review rules of appellate procedure for the First Circuit.
10/26/05	C. Robertson	4.40	Research cases regarding ; review record on appeal with T. McGrath and review appellate rules for filing record and briefs; conference with P. Brooks regarding review Judge Tauro orders accepting dismissal and terminating case; telephone conference with M. Sciucco regarding
10/26/05	O. Golinder	0.40	Attention to record appendix.
10/26/05	P. Alley	1.50	Review cases; e-mails from C. Robertson.
10/26/05	S. Gelwick	4.40	Review orders from the court; further research and drafting of appellate brief; review of correspondence regarding contents of appendix; review transcript from status hearing before the court.
10/27/05	C. Robertson	1.60	Conference with S. Gelwick and P. Alley regarding review cases on UCC issues and reach and apply; conference with O. Golinder regarding ; review Tauro order reinstating case; review
10/27/05	O. Golinder	2.90	Attention to record appendix.

**SEYFARTH**  
 ATTORNEYS **SHAW** LLP

Direct Marketing Concepts, Inc.

Invoice No. 1180464  
 1843 / 35965  
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<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
10/27/05	P. Alley	2.80	Conferences with T. McGrath regarding ; conferences with C. Robertson; reviewing cases on dismissal with prejudice; e-mail from C. Robertson.
10/27/05	S. Gelwick	2.80	Further research and drafting of brief; review electronic notices from the court; conference with C. Robertson and P. Alley regarding
10/27/05	T. McGrath	2.20	Telephone conference with S. Silverman regarding contents of joint appendix; review Cappseals' document designation; review additional documents to include in joint appendix; prepare letter to S. Silverman regarding appendix contents.
10/28/05	C. Robertson	1.10	Review appellate rules regarding length and style of brief; telephone conference with P. Alley regarding ; conference with T. McGrath regarding ; review docket regarding appellate brief and appendix; review and research cases regarding ; conference with O. Golinder regarding
10/28/05	O. Golinder	4.00	Prepare record appendix.
10/28/05	P. Alley	2.10	Research and review cases on
10/28/05	S. Gelwick	1.20	<del>Revise arguments in appellate brief on Rule 54(b) judgments and fraud defenses under the U.C.C.</del>
10/30/05	P. Alley	7.30	Review and revise statement of proceedings and statement of facts; review record appendix; draft and revise argument on judge's abuse of discretion.
10/30/05	S. Gelwick	0.50	Research and review federal case law regarding
10/31/05	C. Robertson	0.80	Conference with P. Alley regarding ; review ; review e-mail from S. Silverman regarding discovery of DMC.
10/31/05	O. Golinder	6.90	Finalize record appendix; review procedural history of the brief; insert citations to the record appendix in the brief; revise same.
10/31/05	P. Alley	8.50	Research and review ; review and further research ; draft and revise argument ; conferences with C. Robertson; conferences with O. Golinder regarding
10/31/05	S. Gelwick	5.80	Further drafting of First Circuit appellate brief; research of U.C.C. case law regarding
<b>Total Hours</b>		132.50	

**SEYFARTH**  
ATTORNEYS **SHAW**<sub>LLP</sub>  
Direct Marketing Concepts, Inc.

Invoice No. 1180464  
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Page 6

**Total Fees** 38,229.50

**Disbursements**

Local Messenger	13.00
Copying	348.70
Facsimile	11.00
Postage	7.45

**Total Disbursements** \$ 380.15

**Total This Statement** \$38,609.65

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**SEYFARTH**  
 ATTORNEYS **SHAW**<sub>LLP</sub>

55 EAST MONROE STREET - SUITE 4200  
 CHICAGO, ILLINOIS 60603-5803  
 AREA CODE (312) 346-8000  
 FEDERAL ID 36-2152202

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 BRUSSELS

November 2005

Invoice No. 1180464  
 1843 35965 / 35965-000006

Direct Marketing Concepts, Inc.  
 55 Cherry Hill Drive  
 Beverly, MA 01915  
 Attention:

**INVOICE SUMMARY**

Total Fees	\$38,229.50
Total Disbursements	<u>380.15</u>
Total Fees and Disbursements This Statement	<u>\$38,609.65</u>

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BRUSSELS

December 2005

Invoice No. 1192646  
1843 35965 / 35965-000006  
C3

Direct Marketing Concepts, Inc.  
55 Cherry Hill Drive  
Beverly, MA 01915  
Attention:

For legal services rendered through November 23, 2005

**Supreme Greens Litigation**

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
11/01/05	C. Robertson	3.30	Review and edit appellate brief regarding ; review affidavits and record regarding ; conference with P. Alley and S. Gelwick regarding research cases regarding
11/01/05	O. Golinder	3.50	Finalize record appendix.
11/01/05	P. Alley	8.50	Review cases; draft and revise argument on dismissal issues; conferences with C. Robertson; conferences with S. Gelwick.
11/01/05	S. Gelwick	8.80	Draft of appellate brief; conduct additional research and review of cases for brief; review statement of facts; conferences with P. Alley and C. Robertson regarding
11/01/05	T. McGrath	1.00	Review record appendix; conference with P. Alley regarding
11/02/05	O. Golinder	12.80	Appellate brief.
11/02/05	P. Alley	7.50	E-mail from C. Robertson; review and revise brief; meeting with S. Gelwick and O. Golinder; several conferences with S. Gelwick; several conferences with O. Golinder; multiple reviews of brief.
11/02/05	P. Brooks	1.80	Review and revise First Circuit brief and office conferences regarding

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WHICH MIGHT HAVE BEEN INCURRED DURING THE PERIOD COVERED BY THIS BILLING

**SEYFARTH**  
 ATTORNEYS  
**SHAW**<sub>LLP</sub>

Direct Marketing Concepts, Inc.

Invoice No. 1192646  
 1843 / 35965  
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<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
11/02/05	S. Gelwick	13.20	Draft and revise appellate brief, statement of issues, and procedural history; review additional case law cited in brief; conference with P. Alley and O. Golinder regarding ; final review and revisions to brief and prepare for filing.
11/03/05	C. Robertson	1.60	Review response to settlement offer sent by Cappseals counsel; telephone conference with M. Sciucco regarding telephone conference with W. Callahan regarding ; review final brief and appendix filed with First Circuit.
11/03/05	O. Golinder	1.30	Attention to case management.
11/03/05	S. Gelwick	0.90	Review final copy of brief; conference with C. Robertson regarding ; review First Circuit rules regarding filing requirements; review letter from First Circuit clerk; review electronic notices from the court.
11/04/05	C. Robertson	0.80	Review discovery issued by Cappseals regarding DMC and ITV assets; review Tauro order regarding discovery of financial information; review order from Court of Appeals regarding opposition briefing schedule and oral argument; telephone conference with M. Sciucco regarding ; review regarding
11/04/05	S. Gelwick	0.60	Review notice from First Circuit; conference with C. Robertson regarding review of e-mails and discovery served by Cappseals.
11/07/05	C. Robertson	0.30	Draft and send letter to S. Silverman regarding defective notice of deposition and reissue.
11/07/05	O. Golinder	4.00	Attention to file management.
11/08/05	C. Robertson	0.60	Review letter from S. Silverman regarding discovery; review review Tauro order; meet with P. Brooks regarding ; draft response letter to S. Silverman.
11/08/05	S. Gelwick	0.60	Review correspondence from S. Silverman and deposition notices served by Cappseals; conference with C. Robertson regarding review court docket for Cappseals' new case.
11/09/05	C. Robertson	0.40	Review, revise, and send out letter to S. Silverman regarding response to Rule 30(b)(6) subpoena; review ; review Tauro order regarding discovery.
11/09/05	S. Gelwick	0.20	Review correspondence from S. Silverman.